

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

AMEL W. DALLUGE,

Petitioner,

vs.

ROB MCKENNA,

Respondent.

NO. CV-07-80-FVS

ORDER DENYING MOTION FOR  
RECONSIDERATION

BEFORE THE COURT is Petitioner's "Rule 60. Motion" which has been liberally construed as a Motion for Reconsideration (Ct. Rec. 13). Petitioner is proceeding *pro se* and *in forma pauperis*; Respondent has not been served. Petitioner did not note his motion for hearing as required by LR 7.1(h), Local Rules for the Eastern District of Washington. Because Petitioner is proceeding *pro se*, the court has noted his motion for him on the date signed below.

Motions for reconsideration serve a limited function. "[T]he major grounds that justify reconsideration involve an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." *Pyramid Lake Paiute Tribe v. Hodel*, 882 F.2d 364, 369 n.5 (9th Cir. 1989). Such motions are not the proper vehicle for offering evidence or theories of law that were available to the party at the time of the

1 initial ruling. *Fay Corp. v. Bat Holdings I, Inc.*, 651 F.Supp. 307,  
2 309 (W.D. Wash. 1987).

3 In the instant case, Petitioner has not alleged that there has  
4 been an intervening change of controlling law. Likewise, he has not  
5 offered newly discovered evidence that would justify this court taking  
6 a second look at the issue in question. Thus, the only remaining  
7 question is whether the court should alter its prior ruling in order  
8 to "correct a clear error or prevent manifest injustice." *Pyramid*  
9 *Lake*, 882 F.2d at 369 n.5. Petitioner's citation to a ruling  
10 regarding his state Personal Restraint Petition has no bearing on this  
11 court's dismissal of his habeas corpus petition as he failed to  
12 challenge the fact or duration of his confinement. See *Preiser v.*  
13 *Rodriguez*, 411 U.S. 475, 487-90 (1973); *Heck v. Humphrey*, 512 U.S.  
14 477, 481 (1994). Accordingly, **IT IS ORDERED** that Plaintiff's Motion  
15 for Reconsideration (Ct. Rec. 13) is **DENIED**.

16 **IT IS SO ORDERED.** The District Court Executive is directed to  
17 enter this Order, forward a copy to Petitioner and close the file.

18 **DATED** this 2nd day of October 2007.

19  
20 s/ Fred Van Sickle  
21 FRED VAN SICKLE  
22 UNITED STATES DISTRICT JUDGE  
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